

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAUN RUSHING,

Plaintiff,

-against-

EXTRA SPACE STORAGE,

Defendant.

21-CV-9113 (LTS)

BAR ORDER UNDER
28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, appearing *pro se* and proceeding *in forma pauperis* (IFP), filed this action regarding events that occurred exclusively in Michigan. On November 5, 2021, the Court dismissed the action without prejudice for improper venue, and noted that Plaintiff (1) had filed other cases in this court regarding events that occurred exclusively in Michigan and naming defendants residing outside this District; and (2) was barred from filing cases in the United States District Court for the Western District of Michigan for filing cases in that court that were “indisputably meritless.” By order dated November 5, 2021, the Court ordered Plaintiff, within thirty days, to show cause by declaration why he should not be barred from filing further actions IFP in this court without prior permission. The Court advised Plaintiff that, if he failed to submit a declaration within the time directed, or if his declaration did not set forth good cause why this injunction should not be entered, he will be barred from filing any further actions IFP in this Court unless he first obtains permission from this Court to do so. Plaintiff has not filed a declaration as directed. Accordingly, the bar order will issue.

CONCLUSION

The Court hereby bars Plaintiff from filing future civil actions IFP in this Court without first obtaining from the Court leave to file. *See* 28 U.S.C. § 1651. To file a civil action in this Court, Plaintiff must file a motion requesting permission to file the action, and he must attach a

copy of his proposed complaint and a copy of this order to the motion. The motion must be filed with the Pro Se Intake Unit of this Court. If Plaintiff violates this order and files an action without filing a motion for permission to file, the action will be dismissed for failure to comply with this order.

Plaintiff is further warned that the continued submission of meritless actions or actions regarding events that occurred exclusively in Michigan and naming Defendants who do not reside in this District may result in the imposition of additional sanctions, including monetary penalties. *See id.* The Clerk of Court is directed to close this action and terminate any motions in this case.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is further directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: January 3, 2022
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge